IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Crl.MC.No. 354 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.7092/2006 Dated 30/11/2006
CRIME NO.307 OF 2006 OF NJARAKKAL POLICE STATION.

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PETITIONER:

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1. MANIKUTTAN, S/O. CHAVARO,
   OLATTUPURATHU VEEDU, NEAR MANAPPILLY BRIDGE,
   CHERAI.

2. SHERLINKER ROOKFELLER, S/O. KOCHUNNY,
   AGED 22, AMMAPARAMBIL, ELAMKUNNAPUZHA.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, CRIME NO.307 OF 2006 OF NJARAKKAL POLICE STATION.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 354 OF 2007

Dated this the 21st day of February, 2007

ORDER

This petition is filed by the petitioners who are accused 1 and 2 in a crime registered under Sec.302 of the IPC. The petitioners were enlarged on bail as per the order dated 30/11/06 subject to conditions. The conditions imposed include the condition that the petitioners must report before the Investigating Officer between 9 a.m. and11 a.m. on all Wednesdays and that they should not enter the limits of Njarakkal Police Station until further orders except for complying with the earlier condition referred above.

2. The petitioners contend that they have been observing the conditions scrupulously from 30/11/06 and that it is not necessary any more to insist on the continuation of such conditions.

3. The learned Public Prosecutor, after taking instructions, opposes the application vehemently. He submits that the incident in question, where loss of life

occurred, is an offshoot of an inter-rivalry between two goonda groups. A precarious law and order situation prevails in the locality. If the conditions were deleted, it is likely to lead to more such violent incidents. At any rate, it is too early to consider the said request favourably. Investigation is not complete yet, submits the learned learned Public Prosecutor.

4. In the facts and circumstances of this case, I find merit in that opposition. I am satisfied that the conditions do not deserve to be modified at this point of time. Every endeavour must be made by the Investigating Officer to complete the investigation expeditiously. The petitioners shall be entitled to move this Court again for deletion of the conditions at a later stage of investigation - not at any, rate prior to 31/3/2007.

5. With the above observations, this Crl.M.C. is dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge